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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,718	09/17/2003	Charles Eric Hunter	0108020.0533876	2224
26874 7590 03/11/2009 FROST BROWN TODD, LLC 2200 PNC CENTER 201 E. FIFTH STREET CINCINNATI, OH 45202				
EXAMINER ALVAREZ, RAQUEL				
ART UNIT 3688		PAPER NUMBER		
NOTIFICATION DATE 03/11/2009		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@fbtlaw.com

### Office Action Summary

**Application No.**

10/663,718

**Applicant(s)**

HUNTER ET AL.

**Examiner**

Raquel Alvarez

**Art Unit**

3688

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 1-7.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF 298)  
Paper No(s)/Mail Date 1/29/09
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This office action is in response to communication filed on 11/26/2008.
2. Claims 1-7 are presented for examination.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carney et al. (6,408,278 hereinafter Carney) in view of Peckover (7,319,976 hereinafter Peckover)

With respect to claims 1-2 and 6, Carney teaches a merchandise system permitting participating merchants to place video or still-image advertisements at selected times and locations on a network of multiple displays screens, and permitting customers of the merchants to respond to the advertisements by placing orders for advertised products through an order processing system (Abstract).

A network including a plurality of display screens (Figure 1, 14a-14n);

Means permitting participating merchants to place video or still-image advertisements at selected times on selected ones of the network's display screens, wherein the means permitting participating merchants to place video or still-image advertisements comprises a means permitting merchants to select particular display screens for placement of advertisements (i.e. by the merchants/clients selecting the

location of where to place the ad for example, Airport in essence he is selecting the display associated with that particular location, which in this case is display device 14n) (Figures 3 and 9);

The advertisements on the displays being configured to promote a product offered for sale by the participating merchants, wherein each advertisement comprises product information related to the product (i.e. the viewers use gathering device 32b to order products or services advertised);

An order processing system that permits customers of the merchants to order products from the array of products offered by the participating merchants on the electronic billboard display advertisements, said order processing system including a customer interface for receiving incoming orders from customers ordering products , and means for communicating sufficient customer and product information to the participating merchant so that the merchant can fulfill the order (i.e. the viewers of the products advertised have sufficient information on the product advertised that they can order the product from the participating merchants)(col. 7, lines 12-17).

With respect to the advertisement having a unique product number and the customer being able to order the product by reference to the displayed order numbers and means for matching each product to the customer who ordered the product. Peckover teaches on Figure 10, the advertisements having a unique ID 188 and the like which enables ordering of the particular products or services. The system keep track of the customer's name of who purchase the particular product or services being advertised. It would have been obvious to a person of ordinary skill in the art at the

time of Applicant's invention to have included the advertisement having a unique product number and the customer being able to order the product by reference to the displayed order numbers and means for matching each product to the customer who ordered the product because such a modification would allow the system to keep track of what advertisements the particular viewer is responding to in order to better target other products or services.

Claims 3-4 further recites a telephone interface including identification means consisting of call no. ID and voice recognition. Official Notice is taken that it is old and well known to use caller's ID and voice recognition in order to easily identify the caller. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included call no. ID and voice recognition in order to achieve the above mentioned advantage.

Claims 5 and 7 further recite GPS means for determining the location of customers during the customer's placement of the orders. Official Notice is taken that it is old and well known to use GPS for determining an exact location. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included GPS means for determining the location of customers during the customer's placement of the orders in order to determine the location that the user placed the order from.

**Response to Arguments**

5. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

**Point of contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (571)272-6715. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James w. Myhre can be reached on (571)272-6722. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Raquel Alvarez/

Raquel Alvarez

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Primary Examiner, Art Unit 3688

Primary Examiner  
Art Unit 3688

R.A.

3/2/2009